Filed 05/03/2

UNITED STATES DISTRICT

for the

Western District of New York

		Western District	Of New York	DISTRICT	2
/	United States of America v.	)	ORDEI	R SETTING CON OF RELEASE	
	Axxiek (onlines, Defendant	(JR)	Case Number:	19-mg-4	052
IT IS OF	RDERED that the release of the defenda	ant is subject to these	conditions:		
(1)	The defendant shall not commit any	offense in violation of	of federal, state or loc	al law while on release	e in this case.
(2)	The defendant must cooperate in the	collection of a DNA	sample if the collecti	ion is authorized by 42	2 U.S.C. § 14135a.
(3)	The defendant shall immediately adv Services office in writing before any				tion and Pretrial
(4)	The defendant shall appear at all produced. The defendant shall appear			or service of any senter	nce imposed as
-	U.S. District Court onon	6/7/19	10:30 Date and Time	and as	directed thereafter.
	Release o	n Personal Recogni	zance or Unsecured	Bond	
T IS FU	RTHER ORDERED that the defendant	be released provided	l that:		
(X) (5)	The defendant promises to appear at	all proceedings as re-	quired and to surrend	er for service of any se	entence imposed.
( ) (6)		dollars (\$	) in t	nited States the sum of he event of a failure to	
	or to surrender as directed for service	e of any sentence imp	osed.		
		Additional Condit	ions of Release		
	on finding that release by one of the ab safety of other persons and the commun		t by itself reasonably	assure the appearance	of the defendant and
T IS FU	RTHER ORDERED that the release of	the defendant is subj	ect to the conditions	marked below:	
(7)	The defendant is placed in the custod (Name of person or organization):				
	(City and state):			(Tel. No.)	
ppearan	tees (a) to supervise the defendant in a ce of the defendant at all scheduled co my conditions of release or is no longer	ourt proceedings, and	l (c) to notify the co	ease, (b) to use every	y effort to assure the event the defendant
	Signed:				
	3	Cu	stodian or Proxy		Date

# Additional Conditions of Release (continued)

(8)	The defend	dant chall:
(0)	(a)	
(	( ) (b)	Execute a bond or an agreement to forfeit upon failing to appear as required the following sum of money or designated property:
(	( ) (c)	Post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described:
(	(b) (d)	Execute a bail bond with solvent securities in the amount of \$
(	( ) (e)	Maintain or actively seek employment.
. (	( ) (f)	Maintain or commence an educational program.
(	( ) (g)	Surrender any passport/passport card to: <u>the Clerk of the Court</u> <sup>1</sup> . Surrender other international travel documents to appropriate authorities (i.e. Enhanced Driver's License or NEXUS card).
(	( ) (h)	Not obtain a passport or other international travel document (i.e. Enhanced Driver's License or NEXUS card).
(	(i)—(i)	Restrict travel to: unless court permission is granted to travel elsewhere.
(	( ) (j)	Remain at a verifiable address as approved by Pretrial Services.
(	(all ( )	Avoid all contact with codefendants and defendants in related cases unless approved by Pretrial Services.
(	( V (1)	Avoid all contact, directly or indirectly, with any persons who are or who may become a victim or potential witness in the subject
		investigation or prosecution, including but not limited to: Congress kuman OMAR and hers huff
(	(m)	Submit to a mental health evaluation and/or treatment as approved by Pretrial Services. The defendant shall contribute to the cost of
		services rendered in an amount to be determined by the probation officer based on ability to pay or availability of third party payments.
. (	(n)	Return to custody each (week)day as of after being released each (week)day as of for employment, schooling,
		or the following limited purpose(s):
(	(0)_(0)	Maintain residence at a halfway house or community corrections center, as approved by Pretrial Services.
(	( / (p)	Refrain from possessing a firearm, destructive device, or other dangerous weapon.
(	(p) (v)	Refrain from ( ) any ( ) excessive use of alcohol.
(	(r)	Refrain from any use or unlawful possession of a narcotic drug and other controlled substances defined in 21 U.S.C. § 802, unless
		prescribed by a licensed medical practitioner, and/or any other mind altering substances.
(	(s)	Submit to any method of testing required by the pretrial services office or the supervising officer for determining whether the defendant
		is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat
		patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing, including co-payment.
(	( <b>/</b> ) (t).	Participate in a program of inpatient or outpatient substance abuse therapy and counseling approved by Pretrial Services. The defendant shall contribute to the cost of services rendered in an amount to be determined by the probation officer based on ability to pay or availability of third party payments.
(	( ) $(u)$	Refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited
	$\int_{1}^{\infty} (\mathbf{v})(1)$	substance testing or electronic monitoring which is (are) required as a condition(s) of release.
	) (-)(-)	not include electronic monitoring or other location verification system. You shall pay all or part of the costs of the program based upon your ability to pay as determined by the officer.
		( ) (i) Curfew. You are restricted to your residence every day ( ) from to, or as directed by the officer.
		( 1) Home Detention. You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the officer.
		( ) (iii) Home Incarceration. You are restricted to your residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by the officer.
(	(v)(2)	Participate in one of the following location restriction programs and abide by all the requirements of the program which will be monitored by a Global Positioning Satellite system (G.P.S.). You shall pay all or part of the costs of the program based upon your ability to pay as determined by the officer.
		( ) (i) Curfew. You are restricted to your residence every day ( ) from to, or as directed by the officer.
		(ii) Home Detention. You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the officer.
	/	( ) (iii) Home Incarceration. You are restricted to your residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by the officer.
(	<b>(</b> w)	Report within 72 hours, to Pretrial Services any contact with any law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.
(	) (x)	Submit to a one time drug test. If positive, then conditions "r", "s", "t" and "u" are imposed.
(	. )	

<sup>&</sup>lt;sup>1</sup>For U.S. Passports, the passport will be returned to the U.S. Office of Passport Policy and Planning upon conviction; For Foreign Passports, the passport will be forwarded to the Bureau of Immigration and Customs Enforcement (ICE); The passport will **only** be returned to defendant if the case is dismissed.

## Advice of Penalties and Sanctions

## TO THE DEFENDANT:

#### YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim, or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant or officer of the court. The penalties for tampering, retaliating and intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned for not more than two years, or both:
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned for not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

# **Acknowledgment of Defendant**

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

Signature of Defendant

Rochester NY

City and State

# **Directions to United States Marshal**

( /) The defendant is ORDERED released after processing.

( ) The United States Marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: 5319

Marian W Yeeyn
Signature of Judicial Officer

Signature of Judicial Officer

Name and Title of Judicial Officer

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